

**City of Warwick Planning Board
Meeting Minutes**

Wednesday, January 4, 2006

Members Present: John J. Mulhearn Jr. Chairman
Carter Thomas
George Arnold
Philip Slocum
Attilio Iacobucci
Jeanne Foster
Michael Constantine

Members Absent: Vincent Gambardella
Thomas Chadronet

Also in attendance: John DeLucia, City Engineer
Eric Hindinger, Assistant City Engineer
John Earle, Solicitor

The meeting was called to order at 7:00 P.M.

On the motion of Mr. Constantine, seconded by Mr. Iacobucci, the Planning Board voted unanimously to approve the December 2005 meeting minutes.

Public Meeting

Minor Subdivision

Preston Drive and Midget Avenue

Applicant: Cristie Hanaway and Rene Martin
Location: 10 Preston Drive
Assessor's Plat: 367
Lot(s): 93, 94 & 95
Zoning District: Residential A-7
Land Area: 14,379 square feet
Number of lots: 2
Engineer: 721 Associates
Ward: 7

Attorney Daniel Flaherty represented the applicant and was requesting preliminary approval to subdivide three lots to create two new lots, one lot with an existing dwelling and one new lot for development on an existing street in a Residential A-7 zoning district.

Attorney Flaherty explained that the two resulting lots would be in excess of 7,000 square feet and that the proposed subdivision was in conformance with the City's zoning regulations.

Being no public comment or questions from the Planning Board the Board then heard the Planning Department's findings and recommendations:

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate and permanent access to a public street.

The Planning Department recommendation was to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That a City of Warwick Physical Alteration Permit (PAP) prior to commencement of any work within the City Right-of-Way. (ROW).
- 2) That the final plan shall depict the existing oak tree located at the corner of Midget Avenue and Preston Drive and shall include a notation that the tree is to be preserved.
- 3) That the new dwelling shall be connected with a minimum one inch water service.
- 4) That the sewer connection shall be approved by the Warwick Sewer Authority prior to final approval.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted unanimously to adopt the Planning Department's findings and to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with all of the Planning Department's recommended stipulations

Public Hearing

Major Land Development Project Request for Zone Change

Oatley Office Building

Applicant: Scott Oatley
Location: 404 Toll Gate Road
Assessor's Plat: 247
Lot(s): 13
Zoning District: Residential A-10 to Office
Land Area: 26,433 square feet
Number of lots: NA
Engineer: Walker Engineering, Inc.
Crossman Engineering, Inc.
Ward: 8

Attorney K. Joseph Shekarchi represented the applicant and was requesting a zone change from Residential A-10 to Office in order to construct a 5,400 square foot office building with less than the required wetland setbacks on a 26,433 square foot lot.

Attorney Shekarchi then introduced Mr. Steven Mushiano, PE, Crossman Engineering and Mr. Edward Pimental, Certified Planner. Mr. Mushiano described the site and explained the development to the Planning Board including the physical layout and the drainage; Mr. Mushiano also explained that the proposed development had already received RIDEM wetlands approval.

Mr. Pimental informed the Planning Board that he had performed a Comprehensive Plan analysis (Exhibit 1) and had surveyed the site and the surrounding properties. Mr. Pimental concluded that the proposed development and requested the Zone Change was consistent with the City's Comprehensive Plan, as well as, the surrounding area.

Being no public comment the Planning Board then closed the Public Meeting and heard the Planning Department's findings:

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) Not in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring a Zone Change from Residential A-10 to Office and freshwater wetland setback relief.
- 3) That there will be no significant negative environmental impacts from the proposed development.

- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate and permanent access to a public street.

The Planning Department recommendation is to grant Master Plan approval with the following stipulations:

- 1) That the applicant shall receive a City Council Zone Change from Residential A-10 to Office with less than the required wetland setbacks.
- 2) That the office building should be restricted to general office, professional service and laboratory and not to allow medical office and/or clinic based on the design parking ratio at 1 space/200 square feet GFA.
- 3) That the preliminary plan shall include a notation stating that the “Design engineer shall submit an As-Build plan and Certificate of Conformance addressing all elements of the storm drainage system to be approved by the City Engineer prior to the issuance of a Certificate of Occupancy.”
- 4) That the preliminary plan shall include a notation stating that the “Design engineer shall submit an As-Build plan and Certificate of Conformance addressing the proposed 2:1 embankment along the stream on the southerly property line to be approved by the City Engineer prior to the issuance of a Certificate of Occupancy.”
- 5) That the preliminary plan shall include a notation that the contractor shall receive a City of Warwick Physical Alteration Permit (PAP) prior to commencement of any work within the City Right-of-Way. (ROW).
- 6) That a minimum 12-inch gravel borrow sub-base shall be required for all pavement within the City ROW.
- 7) That the applicant shall provide a sewer capacity flow analysis performed and stamped by a Professional Engineer (PE) to be approved by the Warwick Sewer Authority prior to preliminary approval.
- 8) That the Sewer Authority Pretreatment Program shall review the internal plumbing plans which shall include a sampling manhole prior to preliminary approval.
- 9) That the applicant shall provide a landscape plan drawn and stamped by a Rhode Island Registered Landscape Architect to be approved by the City’s Landscape Project Coordinator, prior to preliminary approval.

On the motion of Mr. Constantine, seconded by Mr. Slocum, the Planning Board voted unanimously to adopt the Planning Department's findings and to grant master plan approval with all of the Planning Department's recommended stipulations

Regarding the requested Zone Change, the Planning Department found the proposal to be in compliance with the City's Comprehensive Plan including the Goals and Policies Statement, the Implementation Program, the Land Use Element and the Economic Development Element.

The Planning Department also found the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance as presented in Section 100 "Title and Purpose":

- 103.1 Promote the public health, safety and general welfare of the City.
- 103.2 Provide for a range of uses and intensities of use appropriate to the character of the city and reflects current and future needs.
- 103.3 Provides for orderly growth and development, which recognizes:
 - (A) The goals and patterns of land use contained in the comprehensive plan of the city.
 - (F) The need to shape the urban and suburban development.
- 103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommended favorable recommendation to the Warwick City Council for the requested zone change.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted unanimously to adopt the Planning Department's findings and to forward a favorable recommendation for the requested zone change.

Public Hearing

Major Land Development Project

Stop & Shop Fueling Facility

Applicant: Piercerne – Meadowbrook, LLC
Location: 2470 Warwick Avenue
Assessor's Plat: 351
Lot(s): 1, 239, 240 & 261
Zoning District: General Business
Land Area: 12.52 acres
Number of lots: 4
Engineer: Vanasse Hagen Brustlin, Inc.
Ward: 5

Attorney John C. Revens represented the applicant and was requesting Master Plan approval of a Major Land Development to construct a gasoline fueling facility on a parcel with less than the required landscaping and parking in a General Business Zone.

Attorney Revens informed the Planning Board of the previous approvals for the existing Stop & Shop facility and plaza. He explained the Planning Board and Zoning Board of Review had approved the existing development and that the Zoning Board had issued parking relief for the existing Stop & shop building resulting from a drainage detention basin that was constructed (at the request of the City).

The attorney also explained that the original development included a pharmacy drive-through on the site but that Stop & Shop had eliminated the concept from their development. He stated that Stop & Shop now desired to use the pharmacy site for a gasoline fueling facility.

Attorney Revens suggested that the each site within the development should be reviewed independently and that the Stop & Shop site had received parking relief from the Zoning Board. He also stated that the proposed filling station and lot were in conformance with the zoning ordinance.

The Planning Staff then explained the overall parking situation and informed the Board that they should review the project as a whole and not independently.

Board member Slocum inquired if the proposed new use would have its own curb cut access to Warwick Avenue.

Mr. Robert Clinton, PE, VHB Engineering, explained that the overall development access would not change and that the current shared access would continue.

Mr. Clinton then proceeded to present the results of a parking study that he had performed on the site. Mr. Clinton explained that he had performed parking studies in July 2004 and again in March 2005 (Exhibit 1). He also stated that he had performed a capacity analysis at the intersection at Warwick Avenue. He explained that the proposed fueling facility would not adversely effect the intersection and that the existing parking area was at approximately 80% capacity. He concluded that based on his parking analysis the fueling facility and Stop & Shop would have sufficient parking.

The Planning Staff inquired when the peak demand for parking at the facility occurred and if the engineer had performed the parking analysis during peak demand. The engineer responded that he was not sure when peak demand occurred. The Planning Staff then explained that the City believed the peak demand occurred on weekends (particularly Sundays) during the holiday season and that the staff had personally observed the parking lot at or above 90% capacity during the peak demand. The Planning Staff person then asked the engineer if he had performed the parking analysis during the peak demand period. The engineer responded that he had not.

The Planning Board then opened the public hearing.

Ms. Wanda Means of Brookwood Road spoke in opposition to the proposal. Ms. Means was concerned about the additional traffic and pollution from the underground storage tanks. Ms. Means also stated that the parking lot was maxed out already and that any additional uses would only make a bad situation worse.

Mr. Robert Ward of 84 Ticonderoga Avenue stated that Stop & Shop was a bad neighbor that the landscaping is not maintained and that during heavy rain storms loam from the development flows across the street behind the development. Mr. Ward also stated that the parking is terrible as it is now and that he sometimes has to park in front of the laundry on the adjacent lot when he shops. Mr. Ward also stated that he thought the filling station would contribute to litter with oil cans and other trash that would be sold out of the kiosk and that the additional use would result in more traffic.

Ms. Julie Finn of 30 Defiance Road stated she had environmental concerns about the filling station and wanted to hear from the engineer about the safeguards. Ms. Finn also expressed her concerns about additional traffic. She stated that traffic currently cuts through the neighborhood to avoid the traffic signals on Warwick Avenue.

Mr. Bill Tabor, PE, VHB, explained that the new facility would be state of the art with many safeguards including double walled fiberglass tanks, automatic shutoffs, video surveillance, etc.

Being no further comment the Planning Board closed the public hearing and heard the Planning Department recommendation.

The Planning Department found the proposal not to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) Consistent with the Comprehensive Community Plan.
- 2) Not in compliance with the standards and provisions of the City's Zoning Ordinance. The proposal does not meet the minimum parking and landscaping requirements and therefore does not qualify for the required Special Use Permit. Zoning Section 906 (C), in order to qualify for a Special Use Permit the project must "meet all the criteria set forth in ... this ordinance authorizing such special use. This project does not meet the criteria and therefore does not qualify for a Special Use Permit

The existing development was approved by the Planning Board and the Zoning Board of Review in 2002 having received dimensional relief from the required parking and landscaping the developer now desired to further reduce the parking and landscaping in order to construct a gasoline fueling facility.

The Planning Department has reviewed a parking capacity analysis performed by VHB and does not refute the results of the analysis which determines peak usage at approximately 70 percent, it should be noted that the analysis was performed mid-summer (July) and not during the peak demand holiday season.

The Planning Department is of the opinion that peak demand is during the holiday season (late fall/early winter) and that the parking lot is at capacity during this time (see accompanying pictures taken by Planning Staff on a Sunday afternoon in November 2004). The Department estimates that in excess of 90 percent of the parking is occupied during peak demand leaving approximately 5 to 10 percent available for turnover parking. To further reduce the existing parking area below current levels would result in an actual parking deficit on the site.

- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the proposed development is impracticable in that it will result in insufficient parking during the peak demand to accommodate the existing (Super Stop & Shop) use on the property.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to deny the Master Plan.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted unanimously to adopt the Planning Department's findings and to deny the master plan due to the fact that the parking situation is currently at its maximum capacity and the proposed filling station would adversely effect the parking and vehicular circulation of the overall development.

Public Meeting

Request for an Amendment to the City's Zoning Ordinance

Zoning Ordinance Section 601.5 (B) "Commercial Vehicles."

Applicant: Warwick City Council
Location: 3275 Post Road
Zoning District: Zoning Ordinance Section 601.5 (B) "Commercial Vehicles."

The Warwick City Council desires to amend Zoning Ordinance Section 601.5 (B) "Commercial Vehicles"

The effect of the recommended zone change will be to increase the maximum GVW of commercial vehicles stored, parked or garaged in a residential district from 6,500 pounds to 9,000 pounds.

Being no public comment the Planning Board heard the Planning Department recommendation.

The Planning Department found the proposal to be in compliance with the City's Comprehensive Plan including the Goals and Policies Statement, the Implementation Program, the Land Use Element, the Housing Element and the Economic Development Element.

The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance as presented in Section 100 "Title and Purpose":

- 103.1 Promote the public health, safety and general welfare of the City.
- 103.2 Provide for a range of uses and intensities of use appropriate to the character of the city and reflects current and future needs.
- 103.3 Provides for orderly growth and development, which recognizes:
 - (A) The goals and patterns of land use contained in the comprehensive plan of the city.
 - (F) The need to shape the urban and suburban development.

103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommended favorable recommendation to the Warwick City Council for the requested zoning amendment.

On the motion of Ms. Foster, seconded by Mr. Slocum, the planning Board voted six in favor with Mr. Constantine opposed to recommend against the proposed zoning amendment stating that the Board was concerned that oversized vehicles would cause parking issues on residential streets.

Bond Reduction

Buckpell Estates

Current bond total	\$192,196.00
<u>Amount to be released</u>	<u>\$146,976.00</u>
	\$ 45,220.00

On the motion of Mr. Constantine seconded by Mr. Slocum and Mr. Iacobucci the Planning Board voted six in favor with Mr. Mulhearn abstaining to grant the requested bond.

Administrative Subdivision

The planning staff offered the following Administrative Subdivisions for informational purposes.

Esposito Plat	Plat: 334	Lots: 75 & 76
Buckley-Pelley Plat	Plat: 365	Lots: 317 & 318
Amoroso-Hutchinson Plat	Plat: 364	Lots: 231, 233, 236, 237, 418, & 429

The meeting was adjourned at 8:40 P.M.